

IN THE HIGH COURT OF HIMACHAL PRADESH
SHIMLA:

CWP.No.1350/2001.

Date of Decision :20.3.2007...

N.S. Lingayatwani.

...Petitioner.

Versus:

Union of India and others.

..Respondents.

Coram:

The Hon'ble Mr.Justice Sanjay Karol, Judge.

Whether approved for reporting?¹

For the petitioner: Mr.Rahul Mahajan, Advocate.

For Respondents. Mr.Sandeep Sharma, Assistant
Solicitor General with
Mr.M.A.Khan, Central Govt.
Counsel.

Sanjay Karol, J (Oral).

At the time of filing of the present writ petition, the petitioner's grievance was to the effect that inspite of having served the General Reserve Engineer Force known as 'GREF' (Border Roads Organization) under Border Roads Development Board, Ministry of Surface Transport, Government of India, New Delhi as Civilian Officer for 25 years and promoted to the level of Senior Administrative

¹ Whether reporters of Local Papers may be allowed to see the judgment?

Officer in the said Department, petitioner was not being considered for promotion to the post of Joint Director (Administration). He prayed for a writ of mandamus directing the respondents to hold the D.P.C. for all the seven posts of Joint Directors (Administration) lying vacant in the said Department. The petitioner also prayed for a direction that he be given full benefit of charge allowance w.e.f. 14th October, 2000 etc.

Notice was issued to the respondents on 2nd January, 2002 who have since filed their reply(s). The petitioner has also placed on record his rejoinder. In paras-3 and 5 of the reply it has been categorically mentioned that the petitioner has been promoted on 19th February, 2002 and all the six vacancies mentioned by the petitioner have since been filled up. This fact is admitted by the petitioner in Para-5 in his rejoinder.

The learned counsel for the petitioner submits that in view of the grievance of the petitioner having meted out and the petitioner having retired from service since long, the cause of action in the present writ petition does not survive. This fact is not disputed by the learned counsel for the respondents. In this view of the matter, the present petition has become infructuous and as such, the same is accordingly disposed off.

**(Sanjay Karol),
Judge.**

March 20, 2007(R)

